



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application No.	09/905,349
		Filing Date	July 13, 2001
		First Named Inventor	Jay Brian DeDontney, et
		Examiner Name	Rudy Zervigon
		Group Art Unit	1763
Total Number of Pages in This Submission	11	Attorney Docket No.	A-67178-1/MSS (463035-420)

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input checked="" type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request (for 2 Month Extension of Time)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	RCE Transmittal, Check No. 302351 in the amount of \$1240.00
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	(\$450 for Petition for a 2 month extension of time; \$790 for RCE
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, No. of CD(s) _____	Fee for large entity); and a Stamped addressed Postcard.
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Maria S. Swiatek, Reg. 37,244 DORSEY & WHITNEY LLP 4 Embarcadero Center, Suite 3400 San Francisco, CA 94111 Telephone : 650 494-8700 Facsimile: 650-494-8771	Customer Number 32940
Signature		
Date	January 10, 2005	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with Sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date:

Typed or printed name	Kari Bateman		
Signature		Date	January 10, 2005

1083457

Effective on 12/08/04

Complete if Known

Application No.	09/905,349
Filing Date	July 13, 2001
First Inventor	Jay Brian DeDontney, et al.
Group Art Unit	1763
Examiner Name	Rudy Zervigon
Atty. Docket Number	A-67178-1/MSS (463035-420)

FREE TRANSMITTAL SHEET (FY 2005)

☒ Applicant claims small entity status (see 37 C.F.R. 1.27)

METHOD OF PAYMENT (Check One)

☒ Check ☐ Credit Card ☐ Money Order
☒ Deposit Account No.: 50-2319
 Deposit Account Name: DORSEY & WHITNEY LLP
 For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
☒ Charge any additional fees or underpayments of fee(s) under 37 C.F.R. 1.16 and 1.17
☐ Credit any overpayments
☐ Other (please identify):

Extra Claim Fees

Current Claims	Prior	Extra	Fee	Fee Paid
Total	20		x \$	= \$
Ind.	3		x \$	= \$
Multiple Dependent Claims			x \$	= \$
Subtotal (Extra Claims)				\$

Petition Fee Under 37 CFR 1.17(f), (g), & (h)

Enclosed is a Petition filed under 37 CFR as indicated below:

☒ Petition Fee under 37 CFR 1.17(f) Fee \$400
 § 1.53(e) to accord a filing date.
 § 1.57(a) to accord a filing date.
 § 1.182 for decision on a question not provided for.
 § 1.183 to suspend the rules.
 § 1.378(e) for reconsideration of decision on petition refusing delayed payment of maintenance fee in expired patent.
 § 1.174(b) to accord a filing date to an application under § 1.740 for extension of patent term.
☒ Petition Fee under 37 CFR 1.17(g) Fee \$200
 § 1.12 for access to an assignment record.
 § 1.14 for access to an application.
 § 1.47 for filing by other than all inventors or person not the inventor.
 § 1.59 for expungement of information.
 § 1.103(a) to suspend action in an application.
 § 1.136(b) for review of a request for ext. of time when § 1.136(a) not avail.
 § 1.295 for review of refusal to publish a statutory invention registration.
 § 1.296 to withdraw a req. for pub. after notice of intent to publish issued.
 § 1.377 for review of decision refusing to accept a maintenance fee filed prior to expiration of a patent.
 § 1.550(c) for request for ext. of time in *ex parte* reexam. proceedings.
 § 1.958 for request for ext. of time in *ex parte* reexam. proceedings.
 § 5.12 for expedited handling of foreign filing license.
 § 5.15 for changing the scope of a license.
 § 1.5.25 for retroactive license.
☒ Petition Fee under 37 CFR 1.17(h) Fee \$130
 § 1.19(g) to request documents in a form other than provided in this part.
 § 1.84 for accepting color drawings or photographs.
 § 1.91 for entry of a model or exhibit.
 § 1.102(d) to make an application special.
 § 1.138(c) to expressly abandon an application to avoid publication.
 § 1.313 to withdraw an application from issue.
 § 1.314 to defer issuance of a patent.

FEE CALCULATION (Continued)

3. ADDITIONAL FEES

Large Entity Fee	Small Entity Fee	Fee Description	Fee paid
50	25	Surcharge - late provisional filing fee or cover sheet	
130	65	Surcharge - Late nonprovisional filing fee or oath	
180	180	Submission of IDS	
40	40	Recording each patent assignment per property (times number of properties)	
120	60	Extension for reply within first month	
450	225	Extension for reply within second month	450.00
1,020	510	Extension for reply within third month	
1,590	795	Extension for reply within fourth month	
2,160	1,080	Extension for reply within fifth month	
790	395	Submission After Final 1.129	
500	250	Notice of Appeal	
500	250	Filing a brief in support of an appeal	
1,000	500	Request for oral hearing	
110	55	Terminal Disclaimer Fee	
800	400	Design Issue Fee	
790	395	Request for Continued Examination (RCE)	790.00
130		Request for voluntary publication or republication	
500	250	Petition to Revive - unavoidable	
1,500	750	Petition to Revive - unintentional	
200		Filing for patent term adjustment	
400		Request for reinstatement of term reduced	
1,120		Extension of term of patent	
OTHER FEE (specify)			

Subtotal (Additional Fees) 1,240.00

Total Amount of Payment: \$1,240.00

Submitted by:

CUSTOMER NUMBER
32940

DORSEY & WHITNEY LLP

Name: Maria S. Swiatek, Esq.

Phone No.: 650-494-8700

Fax No.: 650-494-8771

Signature: 

Reg. No.: 37,244

Date: January 10, 2005



MARIA S. SWIATEK
swiatek.maria@dorsey.com

January 10, 2005

Ms. Morgan Libby
Intellectual Property Administrator
Aviza Technology, Inc.
440 Kings Village Road
Scotts Valley, California 95066-4081

Re: DeDontney et al., U.S. Patent Application No. 09/905,349 for
GAS DELIVERY METERING TUBE
Filed On: **July 13, 2001**
Our File No. **A-67178-1/MSS (463035-420)**

Dear Morgan:

Enclosed for your files please find a copy of the Request for Continued Examination (RCE) and related papers as filed today in the U.S. Patent and Trademark Office in response to the Final Office Action dated August 10, 2004 in connection with the referenced patent application.

Please contact me if you have any questions or comments.

Very truly yours,

DORSEY & WHITNEY LLP

Maria Swiatek

MSS:kb
Enclosures